

HOUSE BILL 312

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 36,
Chapter 1, Part 1, relative to parental rights
proceedings.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-1-113(g)(3)(A), is amended by deleting the language "a petition has been filed in the juvenile court alleging that a child is" and substituting "a child is alleged to be".

SECTION 2. Tennessee Code Annotated, Section 36-1-126, is amended by deleting subsection (a) and substituting:

(a) After the entry of the final order of adoption, all adoption records, court reports, home studies, preliminary home studies, other reports, other documents or papers, or other information concerning the placement of a person for adoption, or other information concerning the litigation of the adoption, which information is in the office of the judge or clerk of the court where the adoption was filed, or any such records, reports, or documents in the offices of a licensed child-placing agency, a licensed clinical social worker, or in the county, regional, or state offices of the department of health, or in the county, district, and state offices of the department of children's services, must be placed and remain under seal, except as provided herein or in § 36-1-118(e)(4), or in title 68, and are confidential and must be disclosed only as provided in this part.

SECTION 3. Tennessee Code Annotated, Section 36-1-126, is amended by deleting subdivisions (b)(1) and (b)(2) and substituting instead the following:

(1) Upon the granting of an adoption petition, all records and reports, home studies, and preliminary home studies or other information described in subsection (a)

relating to the adoption proceeding and all records, reports, and other documents related to the child's placement with the department or the licensed or chartered child-placing agency or licensed clinical social worker and with the adoptive or prospective adoptive family that are in the offices of the department or in the offices of any Tennessee licensed child-placing agency or licensed clinical social worker, shall be forwarded by the county and district offices of the department's social services division and by the licensed child-placing agency or licensed clinical social worker involved in any such proceedings to the state office of the department, which shall place the records under seal and ensure safekeeping of the records.

(2) The licensed child-placing agency, chartered child-placing agency, or licensed clinical social worker shall, however, maintain a limited record that indicates the child's date of birth, the date the agency received the child for placement, from whom the child was received and that person's last known address, with whom the child was placed and that person's last known address, and the court in which the adoption proceeding was filed and the date the adoption order was entered.

SECTION 4. Tennessee Code Annotated, Section 36-1-126, is amended by deleting subdivision (b)(4) and substituting:

(4) For children not in the custody of the department, or upon request from the department for children in the custody of the department, upon entry of an order granting adoption, the clerk of the court where the adoption proceeding was initiated or filed shall forward a certified copy of the order to the adoptions unit in the state office of the department in Nashville.

SECTION 5. Tennessee Code Annotated, Section 36-1-126, is amended by deleting subdivision (b)(6)(A) and substituting:

(A) The clerks of the courts of this state are specifically authorized to undertake efforts to locate in a public building in the clerks' respective counties any records of adoptions of any person by any court, including former county courts or any court that previously had adoption jurisdiction, which records may be in the control or possession of any person or entity. Upon location of these records, if a clerk determines that the information therein was the result of an adoption that was consummated and the clerk has no prior record of the adoption, then the clerk shall record the existence of this adoption record in a special docket book for this purpose, shall maintain the adoption petition, consents or surrenders, and the order in a file for that purpose under this part, and shall transmit to the department certified copies of the adoption petition, the surrenders and consents, and the order of adoption, and the originals of any remaining documents in the record that have been located.

SECTION 6. Tennessee Code Annotated, Section 36-1-126, is amended by deleting subsection (c) and substituting:

(c)

(1) The department shall register the sealed adoption record in such a manner as to record the names of the adopted person, the adopted person's birth name, the adopted person's date of birth and social security number, the names of the adoptive parents, and, if possible, any information concerning the names of birth parents of the adopted person that is readily accessible to the department, the court where the adoption was filed, the docket number of the court proceeding, and the date of the adoption decree; provided, that sealed records may continue to be registered and maintained under prior departmental procedures. The department may record such other information as the

department deems necessary to maintain adequate information concerning the location of the sealed adoption record and the means to locate such record.

(2) The department must maintain the registration records in a secure manner so that no unauthorized persons may obtain access to the records. The sealed adoption records must be placed in a separate sealed folder or in a suitable electronic media format wherein the record can be held under a separate file name.

(3) Sealed records stored before July 1, 2023, must be stored with the division of records management of the department of state. Sealed records stored on or after July 1, 2023, must be stored by the department of children's services. Sealed records must be stored in a manner to protect and preserve the sealed adoption records, and the division of records management of the department of state and the department of children's services shall maintain proper security for the confidentiality of the sealed adoption records. If electronic methods are used to store the sealed adoption records, or for the recording of information contained in the sealed adoption records, then any necessary methods must be used to ensure the preservation and confidentiality of the electronic records.

SECTION 7. Tennessee Code Annotated, Section 36-1-102(1)(A)(ii)(a), is amended by deleting the language "a petition has been filed in the juvenile court alleging that a child is" and substituting "a child is alleged to be".

SECTION 8. This act takes effect July 1, 2023, the public welfare requiring it.